

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

NAWAZ AHMED,

Petitioner,

-vs.-

MARC C. HOUK, Warden,

Respondent

:

Case No. 2:07-cv-658

:

District Judge Michael H. Watson
Magistrate Judge Michael R. Merz

:

NOTICE TO PETITIONER

The Magistrate Judge hereby reports to the parties that he has received a package from Petitioner by certified mail (Certified No. 7018 3090 0001 0085 5915), postmarked October 20, 2020, as inmate mail from the Chillicothe Correctional Institution. The contents consist of (1) a one page handwritten letter from Petitioner; (2) a nineteen-page single-spaced document captioned “Motion for New Trial,” and (3) a thirty-one page single-spaced document captioned “Motion for Reconsideration, Alter and Amend and Vacate, Setaside [sic] the Judgment: F R C P [Fed.R.Civ.P.] 59 (e).”

Document 1 contains no certificate of service and thus is an improper ex parte communication. It will be scanned and attached to this Notice and thereby communicated to other parties in the case as required by the Code of Judicial Conduct.

Document 2 contains the following “Proof of Service” at page 19: “Petitioner Nawaz Ahmed certify [sic] under penalty of perjury that he has handed over this Motion to Mail C.O. on

October 16, 2020. Clerk is requested to serve the Respondent by ECF system. This Motion is mailed as per prison mail box rule, meaning is considered filed on Oct. 16, 20[20] the date it is signed and handed over to CCI mail staff by certified mail.”

Document 3 contains the following “Proof of Service” at page 31: “Petitioner Nawaz Ahmed certify [sic] under penalty of perjury that he has handed over this Motion to Mail C.O. on October 16, 2020. Clerk is requested to serve the Respondent by ECF system. This Motion is filed under prison mail box rule. Thus filing date is Oct. 16, 2020, as handed over to Mail C.O. for mailing by certified mail.”

The certified mail package was addressed to “Hon. Magistrate Judge Merz” at 200 West Second Street Dayton, Ohio 45402, the address of the Walter H. Rice Federal Building and United States Courthouse where the undersigned has his permanent duty station. The contents appear to be a set of original papers, and not a copy of something sent to the Clerk for filing. The cover letter (Document 1) is addressed to the undersigned.

Fed.R.Civ.P. 5(d)(2) provides that “A paper not filed electronically is filed by delivering it (A) to the clerk; or (B) to a judge who agrees to accept it for filing, and who the must note the filing date on the paper and promptly send it to the clerk.” All parties and particularly the Petitioner are hereby notified that I have not and do not agree to accept these documents for filing. Petitioner made no prior attempt to obtain my acceptance, so his purported reliance on the mailbox rule is misplaced. These documents are not filed (except for Document 1 which will be attached to this Notice to avoid ex parte communications.) Because consideration of Documents 2 and 3 would constitute acceptance of ex parte communications, the Magistrate Judge has not and will not consider them. Any future filings from Petitioner, if on paper and mailed for filing, must be mailed to the Clerk at 85 Marconi Blvd., Columbus, Ohio 43215, the Clerk’s office responsible for

docketing in this case.

Upon receipt, Petitioner's counsel shall promptly provide Petitioner with a copy of this Notice.

October 30, 2020.

s/ Michael R. Merz
United States Magistrate Judge